IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Crl.MC.No. 1178 of 2007()

CRMP.403/2007 ON THE FILE OF JFCM COURT-I, PERINTALMANNA.

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PETITIONER:

MUJEEB T,S/O.MARAYAKKAR,THYIL HOUSE,
CHEKKARAPARAMBU,MALAPPURAM.

BY ADV. SMT.GEETHA G.NAIR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1178 OF 2007

Dated this the 6th day of June, 2007

ORDER

The petitioner is the registered owner entitled to possession of a vehicle which was seized by the police on the allegation that it was used for illicit transportation of river sand. The petitioner applied for release of the vehicle. The learned Magistrate directed that the vehicle be released to the petitioner subject to conditions. One of the conditions imposed is that the petitioner must deposit an amount of Rs.25,000/-. The petitioner claims to be aggrieved by the said order. He has come to this Court with this petition under Sec.482 of the Cr.P.C. with a prayer that the extraordinary inherent jurisdiction may be invoked to interfere with the condition imposed.

2. The extraordinary inherent jurisdiction under Sec.482 of the Cr.P.C. is to be invoked sparingly and in exceptional

cases that too only in aid of justice. I am unable to discover or invent any failure or miscarriage of justice resulting from the impugned order. Under Rule 27, the Collector is entitled to insist on deposit of the value of the vehicle as a condition for release of the vehicle. The learned Magistrate, evidently it appears to me, has chosen to direct payment of an amount of Rs.25,000/- that being the maximum fine amount which is imposable as a punishment for the offence committed. In any view of the matter, I am not persuaded to agree that any vice of abuse of process of the court or failure of justice results from the impugned order.

3. This Crl.M.C. is, in these circumstances, dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge